



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
MAY 18, 2005
APPROVED JUNE 15, 2005**

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Henry Korsiak
George Swallow
Kenneth Cichon, Associate Member

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

Minutes of April 26, 2005.

Joanne Rogers and Dorothy Carrier pointed out typographical errors.

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO ACCEPT THE MINUTES AS AMENDED.

**FOUR IN FAVOR (JOHN PAPACOSMA, JOANNE ROGERS, HENRY KORSIAK & GEORGE SWALLOW)
ONE ABSTAINED (DOROTHY CARRIER)**

John Papacosma stated that the site visits were attended by all Planning Board members.

OLD BUSINESS

ITEM 1

05-02-02 Rebecca L. Sarna, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 2-44, Walini Way, Harpswell.

Bill Wells, Codes Enforcement Officer, discussed his conversations with the appraisers with regard to clarification of their findings and used a scale model of the structure to demonstrate what portions would be removed and what portions would remain.

Tom Federle, attorney for the applicant, stated that the Planning Board should rely upon expert testimony instead of a model, directed the Planning Board's attention to the two appraisals submitted by the applicant, discussed the decision of the Board of Appeals with regard to criteria to be used to arrive at market value, stressed the need to base the decision upon articulated standards, asked for specific issues with regard to the appraisals and requested an opportunity to return with an appraisal that incorporates those specific items.

John Papacosma read Shoreland Zoning Ordinance § 10.3.2.2 and explained that this was the standard that the Planning Board must base its decision upon taking the strictest interpretation to protect the resource. Mr. Papacosma expressed concern of the testimony submitted by the applicant because the value of the structure prior to removal in both estimates is inflated by the incremental improvements described by Ms. Sarna. Referring to a letter from the DEP, Mr. Papacosma pointed out that an applicant should not be allowed to incrementally raise the value of the structure arguing that the value of the structure was never depreciated by more than 50%. Mr. Papacosma added that taking a board by board analysis to depreciate costs is not market

value. Mr. Papacosma said that the structure will have the roof removed, two smaller parts of the structure will be removed and two walls will be removed and that these are not fully captured in the submitted estimates.

Dorothy Carrier pointed out the differences in the percentages between the two appraisals and that both appraisals are missing key points.

Henry Korsiak explained that the appraisals use methodologies that are different, arrive at different numbers and that the Planning Board must deal with the numbers as they are.

George Swallow stated that neither appraisal has factored in the entire south side of the structure, the west gable end, the east gable end, nor the entire ceiling structure and therefore the appraisals are flawed.

Kenneth Cichon stated that market value is very discretionary and is not depreciated cost or replacement costs. Mr. Cichon added that the standard is difficult but it is clear in that it leaves the determination to the discretion of the Planning Board. Mr. Cichon explained that the Planning Board has the right to consider expert testimony, but the decision is still up to the Planning Board's discretion.

Michael Olivo, Associated Appraisers of Maine, Inc., described the direct sales comparison method of appraisal, the income approach to appraisal, and the cost appraisal method. Mr. Olivo explained why the cost approach was used with regard to the appraisal for this structure.

There being no further discussion from the Planning Board, John Papacosma, Chair, opened the floor to members of the public who wished to comment.

None being seen, John Papacosma, Chair closed the public portion of the meeting.

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA AS DETERMINED BY THE PLANNING BOARD UNDER § 10.3.2 THE PROPOSED REMOVAL BY REBECCA SARNA IS MORE THAN 50% OF THE MARKET VALUE OF THE STRUCTURE AND AS SUCH MUST BE IN COMPLIANCE WITH THE SET BACK REQUIREMENTS TO THE GREATEST PRACTICAL EXTENT AS DETERMINED BY THE PLANNING BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, BASED UPON REVIEW AND DISCUSSION THAT THE PLANNING BOARD DOES NOT AGREE WITH THE CONCLUSIONS OF BOTH ESTIMATES (AS SUBMITTED BY THE APPLICANT) AS TO VALUE BECAUSE OF OMISSIONS OF MAIN STRUCTURAL ELEMENTS SPECIFICALLY THE ENTIRE SOUTH SIDE WALL, THE WEST WALL AND GABLE, THE EAST GABLE AND THE ENTIRE CEILING JOIST SYSTEM.

UNANIMOUS APPROVAL

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION DOES NOT MEET THE PROVISIONS OF §10.3.2.1 AS ADDRESSED IN THE PLANNING BOARD DECISION AT THE FEBRUARY 16, 2005 HEARING ON THIS APPLICATION, WITH REGARD TO MEETING THE SET BACK TO THE GREATEST PRACTICAL EXTENT POSSIBLE FOR THE STRUCTURE IN QUESTION.

UNANIMOUS APPROVAL

ITEM 2

05-04-03 Benjamin Wallace Redfish & Associates, Inc., (Christian Haaland – owner), Wharf Approval, Construction of a commercial dock, Commercial Fishing, Tax Map 47-127, Harpswell Islands Road, Harpswell.

Benjamin Wallace described the project and the reasons for the configuration of the commercial dock.

The Planning Board discussed soils, vehicular circulation, parking, water supply for the fish house, float storage, abutters, the current dock and flood lighting.

Bill Wells, Codes Enforcement Officer, stated that it meets the wharf and weirs standards for the Shoreland Zoning Ordinance except for the length of the dock. Mr. Wells reminded the Planning Board that it is empowered to waive that requirement.

John Papacosma opened the floor to members of the public who wished to comment on this agenda item.

None being seen, John Papacosma, Chair closed the public portion of the meeting.

Planning Board consideration of Shoreland Zoning Ordinance § 15.3

15.3.1 Development on Appropriate Soils

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THE APPLICATION MEETS THE STANDARDS OF § 15.3.1 BECAUSE THE APPLICANT HAS INDICATED PROCEDURES THAT WILL BE UNDERTAKEN TO INSURE THAT THE WHARF WILL BE LOCATED ON APPROPRIATE SOILS AND THAT APPROPRIATE EROSION CONTROL MEASURES WILL BE FOLLOWED.

UNANIMOUS APPROVAL

15.3.2 Interference with Existing Beach Area

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.3.2 BECAUSE THERE ARE NO BEACH AREAS CONTINGENT UPON THE SITE.

UNANIMOUS APPROVAL

15.3.3 Adverse Affect on Fisheries

JOHN PAPACOSMA MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.3.3 IN THAT THERE WILL BE NO ADVERSE AFFECT ON ANY FISHERIES.

UNANIMOUS APPROVAL

15.3.4 No Larger than Necessary

JOHN PAPACOSMA MOVED, SECONDED BY GEORGE SWALLOW THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 15.3.4 THE PLANNING BOARD HAS RECEIVED TESTIMONY AS TO WHY THE DIMENSIONS ARE WHAT THEY ARE AND DO NOT INTERFERE WITH EXISTING CONDITIONS.

UNANIMOUS APPROVAL

15.3.4.1 Maximum Width for Non-Commercial Piers

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT §15.3.4.1 DOES NOT APPLY.

UNANIMOUS APPROVAL

15.3.4.2 Maximum Width for Commercial Piers

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER, TO FIND THAT THE APPLICANT HAS SHOWN JUSTIFICATION FOR THE WIDTH BEING 26 FEET BECAUSE THE PROPOSAL MEETS THE INTENT OF THE ORDINANCE GIVEN THE LENGTH IS ONLY 16 FEET.

UNANIMOUS APPROVAL

15.3.5 New Structures

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.3.5 BECAUSE IT IS A COMMERCIAL STRUCTURE.

UNANIMOUS APPROVAL

15.3.6 Conversion of Structure to Residential Dwelling Unit

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THE APPLICATION MEETS THE REQUIREMENTS OF §15.3.6 IN THAT THE PROPOSAL IS FOR A COMMERCIAL FISHING STRUCTURE.

UNANIMOUS APPROVAL

15.3.7 Structure not to Exceed 20 Feet in Height above the Pier

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.3.7 IN THAT THE SITE IS IN THE COMMERCIAL FISHING ZONE.

UNANIMOUS APPROVAL

Planning Board consideration of Site Plan Review Standards § 15

15.1 Dimensional Requirements

GEORGE SWALLOW MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.1 BECAUSE IT MEETS THE DIMENSIONAL REQUIREMENTS AS APPROVED BY THE PLANNING BOARD AND FINDS THAT THE FLOAT STORAGE WAY IS WITHIN THE SETBACKS CONDITIONED UPON RECEIPT OF A LETTER OF APPROVAL FROM THE ABUTTER.

UNANIMOUS APPROVAL

15.2 Utilization of the Site

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.2 BECAUSE THE PROPOSAL WOULD NOT SEEM TO HAVE TOO

GREAT OF AN IMPACT ON THE NATURAL DRAINAGE OF THE SITE OR ANY SIGNIFICANTLY ENVIRONMENTAL SENSITIVE AREAS.

UNANIMOUS APPROVAL

15.3 Adequacy of Road System

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.3 IN THAT IT IS LOCATED OFF RT 24, ONE OF HARPSWELL'S MAJOR ROADS.

UNANIMOUS APPROVAL

15.4 Access into the Site

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.4 BECAUSE THE ACCESS IS THROUGH AN EXISTING DRIVEWAY.

UNANIMOUS APPROVAL

15.5 Access/egress Way Location and Spacing

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER THAT THE PLANNING BOARD HAS DETERMINED THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.5.

UNANIMOUS APPROVAL

15.6 Internal Vehicular Circulation

JOHN PAPACOSMA MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION MEETS THE INTENT OF §15.6 AS THERE IS AMPLE TURN AROUND AREA.

UNANIMOUS APPROVAL

15.7 Parking

15.7.1

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.7.1 BECAUSE THERE WILL ONLY BE ONE OR TWO CARS AND THERE IS AMPLE PARKING.

UNANIMOUS APPROVAL

15.7.2

JOHN PAPACOSMA MOVED, SECONDED BY GEORGE SWALLOW THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.7.2 BECAUSE THERE IS AMPLE GRASSY AREA AND ONLY ONE OR TWO CARS WITH MORE THAN ADEQUATE TURN AROUND SPACE.

UNANIMOUS APPROVAL

15.8 Pedestrian Circulation

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.8.

UNANIMOUS APPROVAL

15.9 Stormwater Management

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICATION MEETS THE REQUIREMENTS IF § 15.9 STORMWATER MANAGEMENT AS THE CODES ENFORCEMENT MEMORANDUM ALSO STATES THAT THE PLACEMENT OF THE WALK IS MOSTLY ON LEDGE AND SHOULD NOT CAUSE ANY SIGNIFICANT SOIL DISTURBANCE AND WILL NOT ADVERSELY AFFECT ANY STORMWATER RUN OFF.

UNANIMOUS APPROVAL

15.10 Erosion Control

JOANNE ROGERS MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.10 BECAUSE THERE WILL BE NO SIGNIFICANT SOIL DISTURBANCE.

UNANIMOUS APPROVAL

15.11 Water Supply and Groundwater Protection

GEORGE SWALLOW MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.11 BECAUSE THERE IS NONE REQUIRED FOR THIS INSTALLATION.

UNANIMOUS APPROVAL

15.12 Subsurface Waste Disposal

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.12 IN THAT THE APPLICANT HAS INDICATED NO ADDITIONAL WASTE WATER WILL RESULT FROM THIS PROPOSAL.

UNANIMOUS APPROVAL

15.13 Utilities and Essential Services

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THERE ARE NO ISSUES WITH UTILITIES OR ESSENTIAL SERVICES THEREFORE THE APPLICATION HAS MET THE REQUIREMENTS OF §15.13.

UNANIMOUS APPROVAL

15.14 Natural Features and Buffering

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THERE WILL BE MINIMAL DISTURBANCE TO THE SITE AND NO GRADING OR FILLING THEREFORE THE APPLICATION HAS MET THE REQUIREMENTS OF §15.14.

UNANIMOUS APPROVAL

15.15 Lighting

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT LIGHTING WILL BE LOCATED ON THE VESSEL THEREFORE THE APPLICATION HAS MET THE REQUIREMENTS OF §15.15.

UNANIMOUS APPROVAL

15.16 Water Quality Protection

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.16 IN THAT NO CHEMICALS OR HAZARDOUS MATERIALS WILL BE STORED ON SITE.

UNANIMOUS APPROVAL

15.17 Hazardous, Special and Radioactive Materials

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.17 IN THAT NO CHEMICALS OR HAZARDOUS MATERIALS WILL BE STORED ON SITE.

UNANIMOUS APPROVAL

15.18 Solid, Special and Hazardous Waste Disposal

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.18 IN THAT NO CHEMICALS OR HAZARDOUS MATERIALS WILL BE STORED ON SITE.

UNANIMOUS APPROVAL

15.19 Historic and Archaeological Resources

JOHN PAPACOSMA MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.19 HISTORIC AND ARCHAEOLOGICAL RESOURCES.

UNANIMOUS APPROVAL

15.20 Floodplain Management

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.20 AS THE CODES ENFORCEMENT OFFICE HAS STATED THAT THE SITE FOR THE PROPOSED WHARF IS LOCATED IN A A2 FLOOD HAZARD ZONE WITH A BASE FLOOD ELEVATION OF 9 FEET FROM MEAN SEA LEVEL AND THE APPLICANT HAS SUBMITTED THE APPLICABLE APPLICATION.

UNANIMOUS APPROVAL

15.21 Technical and Financial Capacity

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.21 BECAUSE THE APPLICANT HAS SUBMITTED A LETTER FROM ANDROSCOGGIN BANK STATING THAT HE HAS THE FINANCIAL CAPACITY TO CARRY OUT THIS PROPOSAL.

UNANIMOUS APPROVAL

Planning Board consideration of Basic Land Use Ordinance § 13.4.7

13.4.7.1 Will maintain safe and healthful conditions.

DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.1 BECAUSE THE APPLICANT HAS STATED THAT THE PROPOSAL IS DESIGNED TO HAVE A MINIMAL IMPACT ON THE SHORE.

UNANIMOUS APPROVAL

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.2 IN THAT PURSUANT TO THE CODE ENFORCEMENT OFFICER'S MEMORANDUM THE PROPOSAL WILL HAVE MINIMAL IMPACT ON THE SHORE.

UNANIMOUS APPROVAL

13.4.7.3 Will adequately provide for the disposal of all wastewater.

JOANNE ROGERS MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.3 BECAUSE THERE WILL BE NO ADDITIONAL WASTE WATER.

UNANIMOUS APPROVAL

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.4 BECAUSE THE APPLICANT HAS STATED THAT THE PROPOSAL IS DESIGNED TO HAVE AS MINIMAL IMPACT ON THE SHORE AS POSSIBLE.

UNANIMOUS APPROVAL

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.5 IN THAT IT WILL NOT INHIBIT SHORE COVER OR ACCESS.

UNANIMOUS APPROVAL

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.6 BECAUSE THE APPLICANT HAS SUBMITTED THEIR PROPOSAL TO THE MAINE HISTORIC PRESERVATION COMMISSION AND THE PENOBSCOT INDIAN NATION AND HAS RECEIVED NO REPLY.

UNANIMOUS APPROVAL

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.7 IN THAT THE APPLICANT HAS SUBMITTED DOCUMENTATION THAT THIS PROPOSAL WILL FULFILL A NEED IN THE LOCAL COMMERCIAL FISHING INDUSTRY.

UNANIMOUS APPROVAL

13.4.7.8 Will avoid problems associated with floodplain development and use.

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.8 BECAUSE THE APPLICANT HAS SUBMITTED APPLICATIONS TO BE IN COMPLIANCE WITH THE MUNICIPAL FLOODPLAIN ELEVATION ORDINANCE.

UNANIMOUS APPROVAL

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §13.4.7.9 BECAUSE THE PLANNING BOARD HAS ALREADY REVIEWED THE RELEVANT PROVISIONS OF §15.

UNANIMOUS APPROVAL

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SITE PLAN REVIEW §15, BASIC LAND USE ORDINANCE §13.4.7 AND HARPSWELL SHORELAND ZONING ORDINANCE §15.3.

UNANIMOUS APPROVAL

NEW BUSINESS

ITEM 1

05-05-01 Finestkind Boatyard, Inc. Subdivision Amendment Review, Merge lot lines, Tax Map 15-55, Commercial Fishing/Interior 11 Bristol Way, Harpswell.

Mark Hubbard, Director Finestkind Boatyard, Corp., stated he was requesting that approval to combine the subdivision lots into one lot.

Jay Chace, Town Planner, stated that the Planning Board would be reviewing this application under 8.11 of the Subdivision Review Ordinance.

John Papacosma, chair, opened the floor to members of the public who wished to comment on this agenda item.

None being seen, John Papacosma, Chair, closed the public portion of the meeting.

Planning Board consideration of Subdivision Ordinance Section 9.

9.1 CONFORMANCE

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.1 IN THAT THE PLANNING OFFICE INDICATES THAT THE PROPOSAL IS IN COMPLIANCE WITH ALL PERTINENT STATE, FEDERAL, AND LOCAL LAWS AND REGULATIONS.

UNANIMOUS APPROVAL

9.2 Municipal Services

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.2 BECAUSE THERE WILL BE NO GREATER IMPACT ON MUNICIPAL SERVICES BECAUSE HE IS CREATING ONE TEN ACRE LOT INSTEAD OF FOUR.

UNANIMOUS APPROVAL

9.3 Preservation of Landscape

JOANNE ROGERS MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.3 AS THERE ARE NO CHANGES PROPOSED TO THE LANDSCAPE.

UNANIMOUS APPROVAL

9.4 Lots

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION HAS MET THE INTENT OF § 9.4 LOTS BECAUSE A 10.5 ACRE LOT WOULD BE CREATED.

UNANIMOUS APPROVAL

9.5 Land not suitable for development

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT § 9.5 LAND NOT SUITABLE FOR DEVELOPMENT IS NOT APPLICABLE.

UNANIMOUS APPROVAL

9.6 Required improvements

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK TO FIND THAT THE APPLICANT HAS MET THE REQUIREMENTS OF § 9.6 REQUIRED IMPROVEMENTS AS THE PREVIOUSLY APPROVED SUBDIVISION HAS MET ALL THE STANDARDS AND THIS PROPOSAL WILL HAVE NO GREATER IMPACT.

UNANIMOUS APPROVAL

9.7 Erosion and sedimentation control

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.7 EROSION AND SEDIMENTATION CONTROL BECAUSE THERE WILL NO CHANGE TO THE EXISTING LANDSCAPE AND THEREFORE NO INCREASE IN EROSION.

UNANIMOUS APPROVAL

9.8 Utilities

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT 9.8 UTILITIES IS NOT APPLICABLE.

UNANIMOUS APPROVAL

9.9 Construction in Flood Hazard Areas

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE REQUIREMENTS OF § 9.9 ARE NOT APPLICABLE IN THAT IT IS NOT IN A FLOODPLAIN.

UNANIMOUS APPROVAL

9.10 Impact on Wetlands

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK 9.10 NOT APPLICABLE.

UNANIMOUS APPROVAL

9.11 Impact on Groundwater

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK 9.11 IMPACT ON GROUNDWATER ARE NOT APPLICABLE.

UNANIMOUS APPROVAL

9.12 Stormwater Management

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.12 STORMWATER MANAGEMENT BECAUSE THERE IS NO FURTHER DEVELOPMENT PROPOSED AT THIS TIME.

UNANIMOUS APPROVAL

9.13 Offshore Islands

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND 9.13 NOT APPLICABLE.

UNANIMOUS APPROVAL

9.14 Aesthetic, Cultural, and Natural Values

JOHN PAPACOSMA MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.14 BECAUSE NOTHING CHANGES.

UNANIMOUS APPROVAL

9.15 Traffic

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.15 AS THERE IS NO FURTHER DEVELOPMENT IS PROPOSED AND THEREFORE NO ADDITIONAL TRAFFIC IMPACT.

UNANIMOUS APPROVAL

9.16 Homeowners/Landowners Association

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA 9.16 NOT APPLICABLE.

UNANIMOUS APPROVAL

ITEM 2

05-05-02 Janet Nannen, Frost Fish Cove HOA, Subdivision Amendment Review, Merge lot lines, Shoreland Residential, Tax Map 63-29 & 31, Oakhurst Island Road, Harpswell.

Howard Nannen described the proposal to combine these lots.

John Papacosma stated that the review of this application would be in accordance with 8.11 of the Subdivision Ordinance.

Planning Board consideration of Subdivision Ordinance Section 9.

9.1 Conformance

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.1 CONFORMANCE CONDITIONED UPON THE EXISTING COVENANTS REMAINING AS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

UNANIMOUS APPROVAL

9.2 Municipal Services

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.2 BECAUSE THERE WILL BE NO GREATER IMPACT ON MUNICIPAL SERVICES.

UNANIMOUS APPROVAL

9.3 Preservation of Landscape

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.3 BECAUSE THERE ARE NO CHANGES PROPOSED TO THE LANDSCAPE.

UNANIMOUS APPROVAL

9.4 Lots

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.4 BECAUSE THE 3.9 LOT SIZE IS WELL WITHIN THE PROVISIONS OF THE ORDINANCE.

UNANIMOUS APPROVAL

9.5 Land not suitable for development

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT 9.5 LAND NOT SUITABLE FOR DEVELOPMENT NOT APPLICABLE.

UNANIMOUS APPROVAL

9.6 Required improvements

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.6 REQUIRED IMPROVEMENTS AS THE PREVIOUSLY APPROVED SUBDIVISION HAS MET THESE STANDARDS AND THIS PROPOSAL WILL HAVE NO GREATER IMPACT ON THE PROPERTY.

UNANIMOUS APPROVAL

9.7 Erosion and sedimentation control

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT HAS MET REQUIREMENTS OF § 9.7 AS THERE IS NO CHANGE TO THE EXISTING LANDSCAPE.

UNANIMOUS APPROVAL

9.8 Utilities

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIK TO FIND THAT THE REQUIREMENTS OF § 9.8 ARE NOT APPLICABLE BECAUSE THERE IS NO PROPOSED UTILITIES.

UNANIMOUS APPROVAL

9.9 Construction in Flood Hazard Areas

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE REQUIREMENTS OF § 9.9 ARE NOT APPLICABLE.

UNANIMOUS APPROVAL

9.10 Impact on Wetlands

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA 9.10 IS NOT APPLICABLE.

UNANIMOUS APPROVAL

9.11 Impact on Groundwater

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIK TO FIND THAT THE REQUIREMENTS OF § 9.11 IMPACT ON GROUND WATER ARE NOT APPLICABLE.

UNANIMOUS APPROVAL

9.12 Stormwater Management

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.12 BECAUSE NO FURTHER DEVELOPMENT IS PROPOSED.

UNANIMOUS APPROVAL

9.13 Offshore Islands

JOANNE ROGERS MOVED, SECONDED BY GEORGE SWALLOW 9.13 OFF SHORE ISLANDS IS NOT APPLICABLE.

UNANIMOUS APPROVAL

9.14 Aesthetic, Cultural, and Natural Values

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.14 AESTHETIC, CULTURAL AND NATURAL VALUES AS THE PROPOSAL WILL CHANGE NONE OF THE ABOVE.

UNANIMOUS APPROVAL

9.15 Traffic

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.15 BECAUSE THERE ARE NO CHANGES PROPOSED AND THEREFORE NO ADDITIONAL TRAFFIC IMPACT.

UNANIMOUS APPROVAL

9.16 Homeowners/Landowners Association

JOANNE ROGERS MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 9.16 HOMEOWNERS/LANDOWNERS ASSOCIATION AS THERE IS A LETTER OF SUPPORT FROM THE ASSOCIATION.

UNANIMOUS APPROVAL

ITEM 3

05-05-03 James Herrick (Larry Crooker – owner) Reconstruction of Non-Conforming Structure, Commercial Fishing 1, Tax Map 18.-108, 106 Rt. 123, Harpswell.

James Herrick described the proposal, the proposed expansion, combining the lots, the septic, and use of the expansion.

Bill Wells, Codes Enforcement Officer, discussed the flood zone, wastewater disposal system, impervious lot coverage, height requirements and Maine Department of Transportation requirements for the driveway. Mr. Wells added that because of the increase in the lot size and therefore a reduction in non-conformity, and the removal of the holding tank that the Codes Office recommends approval of this application.

Jay Chace, Town Planner, read an e-mail he had received from Mike Morse at the Department of Environmental Protection and directed the Planning Boards attention to § 10.3.2.1.

John Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item.

Sam York, abutter, expressed his concerns with regard to zoning restrictions for this site, the discrepancies in the dimensions for the structure, the amount of impervious surface, the holding tank, and the leach field.

There being no further comment from members of the public present, John Papacosma, Chair, closed the public portion of the meeting.

The Planning Board discussed the septic system, foundation, holding tank, impervious surface, § 10.3.2.1 and zoning restrictions.

Larry Crooker, owner, explained the differences in the dimensions of the building.

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER THAT THE PLANNING BOARD HAS DETERMINED THAT THE PROPOSAL DOES EXCEED THE 50% RULE AND THE PROPOSED STRUCTURE HAS BEEN RELOCATED TO THE GREATEST EXTENT PRACTICAL.

UNANIMOUS APPROVAL

Board consideration of §13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION WILL MEET THE REQUIREMENTS OF 13.4.7.1 CONDITIONED UPON THE RECEIPT OF THE APPROPRIATE DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMITS AND CODES OFFICE PERMITS.

UNANIMOUS APPROVAL

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION WILL MEET THE REQUIREMENTS OF 13.4.7.2 WITH THE APPROPRIATE DEPARTMENT OF ENVIRONMENTAL PROTECT PERMITS AND CODES OFFICES PERMITS.

UNANIMOUS APPROVAL

13.4.7.3 Will adequately provide for the disposal of all wastewater.

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS, TO FIND THAT THE PROPERTY HAS AN APPROPRIATE SUBSURFACE WASTEWATER REMOVAL SYSTEM AND CONDITIONED UPON REMOVAL OF THE HOLDING TANK WILL MEET THE REQUIREMENTS OF § 13.4.7.3.

UNANIMOUS APPROVAL

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT MEETS THE REQUIREMENTS OF 13.4.47.4 AS THERE WILL BE NO ADVERSE AFFECT.

UNANIMOUS APPROVAL

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW THAT THE APPLICANT HAS MET THE REQUIREMENTS OF 13.4.7.5 AS THERE IS NO GREAT CHANGE TO THE USE OF THE PROPERTIES.

UNANIMOUS APPROVAL

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT HAS MET THE REQUIREMENTS OF 13.4.7.6 AS IT WILL NOT DISTURB ANY HISTORIC OR ARCHAEOLOGICAL RESOURCES.

UNANIMOUS APPROVAL

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION WILL NOT ADVERSELY AFFECT EXISTING COMMERCIAL FISHING OR MARITIME ACTIVITIES AS THERE WILL BE NO CHANGE TO WHAT HAS BEEN GOING ON AT THE PROPERTY.

UNANIMOUS APPROVAL

13.4.7.8 Will avoid problems associated with flood plains development and use.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION WILL MEET THE REQUIREMENTS OF § 13.4.7.8 CONDITIONED UPON THE RECEIPT OF APPROPRIATE PERMITS BEFORE THE CODES OFFICE BEFORE IT WILL ISSUE A BUILDING PERMIT.

UNANIMOUS APPROVAL

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION IS IN CONFORMANCE WITH THE PROVISIONS OF § 10.3.2.1 AND AS IT DOES MEET THE PROVISIONS OF THE REQUIREMENTS OF § 15 OF THE SHORELAND ZONING ORDINANCE.

UNANIMOUS APPROVAL

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE PROPOSAL MEETS THE STANDARDS OF 13.4.7 OF THE BASIC LAND USE ORDINANCE WITH THE CONDITIONS AS NOTED.

UNANIMOUS APPROVAL

ITEM 4

05-05-04 Elaine B. Salch, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 15-93, 59 Basin Cove Road, Harpswell.

Application withdrawn.

OTHER BUSINESS

There being no other business before the Planning Board, **DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO ADJOURN.**

Meeting adjourned at 10.30 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant